

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,  Plaintiff,  vs.  JEFFREY MICHAEL BAKER,  Defendant.	4:23-CR-40046-KES  REPORT AND RECOMMENDATION
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This matter came before the court for a change of plea hearing on Monday, February 26, 2024. The defendant, Jeffrey Michael Baker, appeared in person and by his counsel, Ron Volesky. The United States appeared by its Assistant United States Attorney.

The defendant consented in open court to the change of plea before a United States Magistrate Judge. This court finds that the defendant's consent was voluntary and upon the advice of counsel. The government also consented to the plea hearing before a magistrate judge. Further, the parties waived their right to object to the report and recommendation.

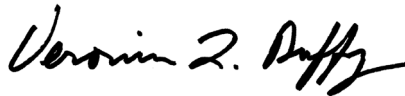
Defendant has reached a plea agreement wherein he intends to plead guilty to count 1 of the indictment which charges him with distribution of a controlled substance in violation of 21 U.S.C. § 841(a)(1). At the hearing, the defendant was advised of the nature of the charges to which the defendant

would plead guilty and the maximum penalties applicable, specifically: 5 years' mandatory minimum and up to 40 years' imprisonment; a \$5 million fine; or both; a mandatory minimum of 4 years and up to lifetime on supervised release; an additional 3 years' imprisonment if supervised release is revoked (which could be followed by additional periods of supervised release); restitution; and a \$100 special assessment.

Upon questioning the defendant personally in open court, it is the finding of the court that the defendant is fully competent and capable of entering an informed plea, that the defendant is aware of the nature of the charges and the consequences of the plea, and that his plea of guilty to count 1 of the indictment is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense. It is my report and recommendation that the defendant's plea of guilty be accepted and that he be adjudged guilty of that offense.

DATED this 26th day of February, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Veronica L. Duffy", written over a horizontal line.

VERONICA L. DUFFY  
United States Magistrate Judge